

REMARKS

Claims 1-6, 8, 10-13, 15-22 and 30-37 are pending. By this Amendment, claim 8 is amended.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

I. Claims 1-6, 8, 10-13, 15-22 and 30-37 Define Patentable Subject Matter

The Office Action rejects claims 1-6 and 8 under 35 U.S.C. §102(a) over USP 4,405,875 to Nagai. This rejection is respectfully traversed.

Nagai does not disclose a housing having a base and defining an internal atmosphere, the base having an opening formed therein which allows the internal atmosphere to communicate with an atmosphere external to the housing, as recited in independent claim 8. Instead, Nagai discloses a transparent window 139 that lies in a metal frame 137 and a window 179 that is provided in a lid 173.

Furthermore, the opening of claim 8 allows:

a) a gas or dust generated during a frequency adjustment process to be exhausted to the outside through the opening; and

b) any gas generated from a conductive adhesive resin, a housing and a quartz crystal resonator to be exhausted to the outside through the opening.

Because of these functions of the opening, it is possible to achieve a high vacuum inside the housing when sealing the opening. This allows the quartz crystal resonator to be operated in highly stable state. The window 39 of Nagai does not perform such functions.

The Office Action rejects claims 10-13 and 15-22 under 35 U.S.C. §103(a) over Nagai. As discussed above, claim 8 defines patentable subject matter. Claims 10-13 and 15-22 depend from claim 8 and therefore also define patentable subject matter.

II. Conclusion

In view of the foregoing, this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Michael Britton
Registration No. 47,260

JAO:MQB/rr

Attachment:
Appendix

Date: November 2, 2001

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--